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To: Field Manager, Salmon Field Office,
Bureau of Land Management, Salmon, Idaho

From: Field Supervisor, Eastern Idaho Field Office,
Fish and Wildlife Service, Chubbuck, Idaho

Subject: Effects from Grazing on Chamberlain Creek Grazing Allotment, in Lemhi County, Idaho – Concurrence
In Reply Refer To: 14420-2011-I-0339 Internal Use: 1005.3000

This memorandum responds to the Bureau of Land Management's (BLM) request for Fish and Wildlife Service (Service) concurrence on effects of the subject project to species and habitats listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; [Act]). The BLM's request dated September 16, 2011, and received September19, 2011, included a biological assessment entitled *Biological Assessment for BLM Actions in the Canyon to Big Timber Watershed Assessment Area (*Assessment), dated September 2011. Since April 2010 the Service has coordinated with the BLM on this Assessment including reviews of drafts. The BLM batched multiple grazing actions in the Assessment for efficient presentation with the subject project being one of those batched actions. Through the Assessment, the BLM determined that the subject project may affect, but is not likely to adversely affect bull trout (*Salvelinus confluentus*), and will have no effect on its designated critical habitat, or on Canada lynx (*Lynx canadensis*). Under the Act, the bull trout is listed as a threatened species, and has critical habitat designated. Therefore, the Service's concurrence under section 7 of the Act has been requested.

The Service concurs with the BLM's determination, and the Service's rationale is presented below. Information contained in the Assessment is herein incorporated by reference. For clarity, the Service is issuing separate concurrence letters for each individual Allotment from the batched Assessment.

We acknowledge your No Effect determinations, but regulations implementing section 7 of the Act do not require the Service to review or concur with no effect determinations; therefore the Service will not address them further. However, we do appreciate you informing us of your determinations even if not required to do so under the Act.

Previous Consultation

This Allotment was part of a previously batched consultation in 1999, and again in 2003 (Assessment, p. 13). Both times the BLM determined that effects to bull trout fit within the may affect, but not likely to adversely affect category. Both times the Service concurred with that determination (Assessment, p. 13).

Proposed Actions

Grazing - The action is continued authorization of grazing through one permit of approximately 350 cattle from June 1 through September 30 for a total of 1,081 Animal Unit Months (Assessment, p. 84). The pasture contains approximately 16,000 acres of BLM land and 3,200 acres of other ownership organized into four pastures: Big Bend, South 18 mile, North 18 mile and 18 mile (Assessment, p. 86). Grazing in creek segments that may have bull trout spawning, is discontinued after August 15 (earliest likely spawning activity) (Assessment, p. 91). No crossing permits are proposed (Assessment, p. 85).

McGinty Creek Division Fence - A new 3.3 mile fence would be constructed to separate Big Bend Pasture into two new pastures; Big Bend and McGinty Creek pastures. Approximately 2.75 miles of the fence would run on the ridge to the south of McGinty Creek (Assessment, p. 85). The remainder of would run off of the ridge to the west, and tie in with the division fence between the Chamberlain Creek and Spring Canyon allotments. The new fence would allow McGinty Creek Pasture to be managed as a riparian pasture and Big Bend Pasture to be managed as an upland pasture (Assessment, p. 85).

McGinty Creek Pipeline - The pipeline would run northwest from McGinty Creek approximately 1.25 miles, then turn southwest and run another one mile. There would be one trough located at the end of the pipeline. A hydro-screen water collector or headbox would be installed at the point of diversion in McGinty Creek on private land (Assessment, p. 85). The landowner would transfer a 0.02 cubic foot per second water right to the BLM for the pipeline project. The landowner would also grant the BLM an easement for the distance the pipeline crosses private land (approximately 0.75 mile) (Assessment, p. 85).

Eighteenmile Creek Habitat Improvement - The project area is located in the 18 Mile Creek Pasture of the Chamberlain Creek Allotment which is also located in the Eighteenmile Wilderness Study Area (WSA). This portion of Eighteenmile Creek is currently lacking in pool habitat, instream cover, and large woody debris. Historic grazing practices reduced the riparian-shrub community substantially causing a decrease in fish habitat, especially bull trout spawning and rearing habitat (Assessment, p. 85). Approximately 100 small to medium-sized standing dead trees along two miles of Eighteenmile Creek would be felled and if necessary maneuvered into the stream for creation or improvement of fisheries habitat (pools, instream cover, and large woody debris). Trees would be felled using hand tools (Assessment, p. 85).

Species and Designated Critical Habitat Distribution in the Project Area

The dominant watercourse in the allotment is Eighteenmile Creek and its headwaters (Assessment, p. 89). It is a tributary to Hawley Creek (nine miles downstream), and twenty miles downstream, Hawley Creek joins the Lemhi River (Assessment, p. 89). Pass, McGinty and Divide Creeks are also within the Allotment. Pass Creek is a small tributary to Eighteenmile Creek that at base flow moves only 1 cubic foot per second of water (Assessment, p. 90). McGinty and Divide creek are two tributaries to Eighteenmile Creek (they connect outside the Allotment boundary), but portions within the Allotment are intermittent (Assessment, p. 90).

Riparian habitats and streambank stability along Eighteenmile Creek within the allotment are generally in good condition and the channel is controlled by rocky substrate (Assessment, p. 87). Pass Creek is

functioning at risk[1] with a static trend (Assessment, pp. 55-58), and is partially dominated by willows, Carex and Kentucky bluegrass (Assessment, p. 87). At base flows it moves only 1 cubic foot of water a second and therefore is unlikely to carry any impacts from grazing to Eighteenmile Creek (Assessment, p. 90). Habitat conditions in the Allotment and along Eighteenmile Creek have improved substantially under the past grazing strategy (Assessment, pp. 91 and 202-203).

Only Pass and Eighteenmile Creeks are occupied by bull trout (Assessment, p. 91). One adult and one juvenile bull trout were found in Pass Creek during surveys in 2001 in the headwaters within the Wilderness Study Area (Assessment, p. 91). Bull trout have also been found in the headwaters of Eighteenmile Creek in the Wilderness Study Area portion of the Eighteenmile Pasture, but not in the downstream reaches (Assessment, p. 91). Therefore, it is probable that small populations of bull trout spawn in the uppermost, headwater stretches of Eighteenmile and Pass Creeks but not in the lower segments (Assessment, p. 91).

None of the creeks in the Allotment are designated critical habitat for bull trout (Assessment, p. 92).

Potential Impacts of Grazing in Fish and Riparian Habitats

In general, grazing on rangelands has potential to impact fish and fish habitat by trampling redds, impacting stream temperature through reduction in plant shading, reducing complex bank structures by shearing overhanging banks, and increasing sediment in stream gravel through bank degradation (Assessment, pp. 29-42). Impacts can be reduced to a point where their effect to bull trout is insignificant by using move triggers, management of cattle with fences, active removal of cattle from riparian areas, and exclusion of livestock from spawning areas during spawning.

Effects from the Proposed Action

Specifically for this proposed action, those segments of Eighteenmile and Pass Creeks in the Allotment are in good condition and have shown improvement under the current grazing strategy (Assessment, pp. 91 and 202-203). Also, the BLM has included a wide array of permit terms and conditions, monitoring, new projects, and adaptive management techniques to limit impacts to upland and riparian habitats on this Allotment (Assessment, pp. 84-85). The aggregated effect of these actions and circumstances led the BLM to determine that any remaining effects to bull trout and their habitat are likely to be insignificant (Assessment, p. 93). In addition, potential overlap between grazing and potential spawning bull trout has been eliminated through timing restrictions (Assessment, p. 91).

The impacts from pipeline installation, habitat improvement, and fencing projects may be beneficial to bull trout in the long term, but are considered to present no effects to bull trout, and the Service will not consider them further. The Service does appreciate the BLM's efforts at improving habitats for aquatic species.

Concurrence

Based on Service review of the Assessment, we concur with the BLM's determination that the project outlined in the Assessment and this memorandum, may affect but is not likely to adversely affect bull trout. This concurrence is based on condition of bull trout habitat within the Allotment, bull trout

1 The nomenclature for describing the degree of functionality for various habitat characteristics originates from a document referred to as the U.S. Fish and Wildlife Matrix" (1998). It is a framework developed to assist in the process of making effects determinations by providing some consistency in describing baseline conditions in the action area. Baseline condition alone does not determine the category of effects determination for the proposed action.

distribution, project design, and protective measures included as part of the proposal that reduce the impacts of grazing to bull trout and its occupied habitat to an insignificant level.

This concludes informal consultation. Further consultation pursuant to section 7(a) (2) of the Act is not required. Reinitiation of consultation on this action may be necessary if new information reveals effects of the action that may affect listed species or designated habitat in a manner or to an extent not considered in the assessment, the action is subsequently modified in a manner that causes an effect to listed species that was not considered in the analysis, or a new species is listed or critical habitat is designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of endangered, threatened, and proposed species. If you have any questions regarding this consultation, please contact Doug Laye of this office at (208) 237-6975.

cc: BLM, Challis (Feldhausen and Trapani)
NOAA, Boise (Mabe)
NOAA, Salmon (Murphy and Fealko)
IDFG, Salmon (Schmidt, Curet)